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EXAMINER

MILLER, MARTIN E

ART UNIT	PAPER NUMBER
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2623

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/542,091
Filing Date: April 03, 2000
Appellant(s): TORRE-BUENO PH.D., JOSE DE LA

MAILED

OCT 17 2003

Technology Center 2600

Kenyon S. Jenckes
For Appellant

EXAMINER'S ANSWER

Art Unit: 2623

This is in response to the appeal brief filed August 04, 2003

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Claims 2-20 and 23-26 stand or fall together along with independent claim 1 as stated in appellant's brief.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

5,432,871	Novik	07-1995
5,740,267	Echerer et al.	04-1998

Appellant's opening argument regarding Novik's final image being a complete image and therefore, not being in need of image analysis seems to mischaracterize Novik's teaching. In addition, the features argued do not appear in the claims.

First, the Panel's attention is directed to figure 2 of Novik, where in block 203 Novik teaches transmitting acquired image data via lossy compression. Block 203 and its associated text (column 7, line 56-column 8, line 34) teaches the claim 1 limitations of "generating a compressed medical image" and "transmitting the compressed medical image". In Novik, upon the data being received by the user the compressed image data is decompressed (column 8, line 34), the user performs the claim 1 limitation of "selecting a region of the decompressed image" (figure 2, block 204, column 8, lines 41-48, "select an area of particular interest"). Then Novik performs image-processing functions on the data, which arguable could be called image analysis (column 9, lines 22-34). However, Echerer et al. is a better teaching of performing true image analysis (column 10, lines 32-34 and column 17, lines 37-50).

Secondly, nowhere in the claims is there a limitation that remotely resembles the assertion that the final image at the remote view station must be of a lower quality or incomplete compared to the original image data.

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Furthermore, Appellant argues in the third paragraph of page 5, neither Novik nor Echerer et al. teaches selecting a region of a decompressed (an incorrect argument as evidenced by column 8, lines 34-35, 42-44 of Novik), and incomplete, medical image. But Novik teaches transmitting the image via lossy compression (column 8, lines 23-33) and even appreciates that some data will be lost, so the data will be incomplete (column 7, line 66-column 8, line 2). It is inherent that Novik appreciates that data will be lost because initially receives data "providing enough image accuracy to permit selection of a narrow field" (column 8, lines 25-26), then Novik gives the user the option of selecting "an appropriate Q factor" (column 8, lines 29-33) for the narrowed field view data that is to be returned to the end user after analysis.

At page 5 of Appellant's Brief, Appellant argues that Novik has transmitted to the remote view station data in a form such that the image has the same quality as the uncompressed (lossless) image at the image server. Appellant supports this assertion by citing column 10, line 45 and column. 11, lines 16-20 of Novik. However, at col. 10, l. 45, Novik teaches image analysis performed on image data is stored in an "Analysis File". At column 11, lines 16-20, Novik teaches making efficient use of computer storage space by storing an image in one location and storing only enhancements in another location.

Appellant argues that Echerer et al. provide no disclosure of selecting a region of interest at a remote site and processing image data at a local site, i.e., where the raw image data is stored. This is correct because the Examiner is relying upon the primary reference of Novik to teach this limitation, see Examiner's Final Rejection, Paper no. 13, Page 3, or Novik, column 8, lines 41-48.

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Finally, appellant argues that Novik teaches away from instant invention. However, Novik teaches performing image processing on the selected narrow field of view and returning a sufficient amount of image data as requested by the user for viewing the narrow field of view image data at a level of quality required by the user.

Appellant attempts to argue the rejection of dependent claims 2, 16 and 25, however, Appellant has stated that all dependent claims stand or fall with the rejection of claim 1. Therefore, the Examiner has not addressed these arguments. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

mem
October 7, 2003

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